

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES M. WEST,

Plaintiff,

v.

ORDER
05-CV-447A

GLENN GOORD, et al.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1), on October 26, 2006. On November 29, 2007, defendants filed a motion to dismiss the second amended complaint. On April 24, 2008, Magistrate Judge Scott filed a Report and Recommendation, recommending that the second amended complaint be dismissed based on the plaintiff's failure to prosecute the action.

Plaintiff filed objections to the Report and Recommendation on July 3, 2008, and the defendants filed a response thereto on July 18, 2008.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation. Plaintiff's objections address only the merits of his case and do not provide any acceptable

justification for failing to file a response to defendants' motion to dismiss the second amended complaint.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, this action is dismissed. The Clerk of Court shall take all steps necessary to close the case,

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 14, 2008